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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/490,795      | 01/24/2000  | Gary J. Verdun       | M-8066 US           | 7652             |

23640 7590 04/08/2003

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| EXAMINER |
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CONNOLLY, MARK A

|          |              |
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| ART UNIT | PAPER NUMBER |
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2185

DATE MAILED: 04/08/2003

*[Signature]*

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/490,795             | VERDUN, GARY J.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Mark Connolly          | 2185                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 January 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 13 and 14 recite the limitation "the group". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus U.S. Pat. No. 5958058 in view of Fanning et al [As referenced in the previous office action].

4. Referring to claim 1, Barrus teaches the invention substantially including adjusting the performance levels of computer hardware devices in response to a user input [col. 1 lines 40-51]. Barrus does not though explicitly teach that these devices could comprise memory devices arranged into at least one memory pooling profile.

Fanning et al teaches arranging memory into at least one memory pooling profile [col. 8 lines 44-50 and 55-62]. Although Barrus does not explicitly teach pooling memory devices in response to a user input, it is suggested through the teaching of "a power management utility program that allows the user to manually adjust and set the performance levels of various hardware devices." [col. 1 lines 40-50]. The final goal of this power management utility is ultimately to allow the user to adjust the hardware settings to coincide with the desired power

management scheme desired by the user. It would have been obvious to one of ordinary skill in the art to modify Barrus by allowing the user to recall at least one memory pooling profile because Fanning et al teaches that it would allow the user to further manage the memory devices which would have an effect on the power management [col. 2 lines 60-64].

5. Referring to claims 2 and 3, Barrus teaches initiating profiles in response to a user selecting at least one application to be run on the data processing system [col. 3 lines 11-22, col. 4 lines 49-61 and col. 8 lines 38-52].

6. Referring to claim 4, Barrus teaches accepting a user input specifying at least one power/performance level [col. 3 lines 23-28].

7. Referring to claims 5-9, Barrus teaches a graphical user interface [GUI] where the user can specify the performance levels [col. 6 lines 17-25 and Fig 3A]. By adjusting the hand 62 in dial 60, the user can specify a maximum and minimum performance levels my moving the hand 62 to HIGH and LOW respectfully. In addition, the user can also adjust the hand 62 to a plurality of positions in between the maximum and minimum performance levels which is interpreted as high-end and low-end performance levels.

8. Referring to claims 10-11, Fanning et al expressly teaches placing memory devices into different pools, which correspond to the desired states for those memory devices [col. 8 lines 55-62].

9. Referring to claims 12 and 15-24, these are rejected on the same basis as set forth hereinabove. Barrus and Fanning et al teach the method and therefore teach the computer system.

10. Referring to claims 13 and 14, it is obvious that the signal bearing media could comprise recordable and/or transmission media because it is well known that applications can operate via these types of media.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Pat. No. 6038673 to Benn et al. This teaches pooling DRAM devices.
- b. U.S. Pat. No. 6226729 to Stevens. This teaches pooling RDRAM.
- c. U.S. Pat. No. 6442698 to Nizar. This teaches pooling memory.
- d. EP Pat. No. 974908 to Da et al. This teaches pooling virtual memory.
- e. Rambus Inc. teaches that RDRAM modules comprise different power modes, which the RDRAM modules can be placed in to conserve power.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (703) 305-7849. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/490,795  
Art Unit: 2185

Page 5

Mark Connolly  
Examiner  
Art Unit 2185

mc  
April 1, 2003

(MC)



THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100